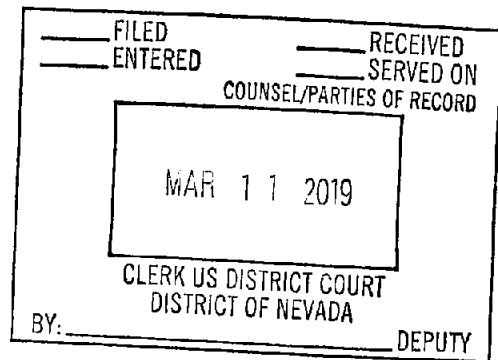


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Representing the United States of America



**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Plaintiff,

v.

Kelvin Atkinson,

Defendant.

CASE NO. 2:19-cr-00055-JCM-CWH

Criminal Information

Wire Fraud, 18 U.S.C. § 1343

The United States Attorney for the District of Nevada charges that:

At all times material to this Information:

INTRODUCTION

1. Nevada law requires each elected official and candidate running for office to file Contribution and Expense Reports ("C&E Reports") detailing the campaign's contributions and expenses. NRS 294A.120 and 294A.200. During an election year, candidates must file periodic C&E Reports, and elected officials must file annual C&E Reports during non-election years. *Id.* The Nevada Secretary of State's office posts the C&E Reports on its public website.

2. Candidates and elected officials must file the C&E Reports online through the Nevada Secretary of State's database using a unique username and password. Candidates

1 and elected officials must affirm under oath that the information in the C&E Reports is true
2 and accurate. They must also acknowledge they understand that they could be criminally
3 prosecuted for knowingly making false statements on their C&E Reports.

4 3. Defendant Kelvin Atkinson serves as a Nevada State Senator representing
5 District 4. He was elected to the Nevada State Senate in November 2012, having previously
6 served in the Nevada State Assembly since November 2002.

7 4. From 2010 to early 2018, defendant Atkinson filed eighteen C&E Reports
8 covering the period of January 1, 2010, through December 31, 2017. Defendant Atkinson
9 affirmed on each Report that the information in the Reports was true and correct, and he
10 acknowledged that he understood that he could be prosecuted for making false statements.

11
12 **COUNT ONE**
Wire Fraud

13 5. The allegations set forth in paragraphs one through four of this Information
14 are incorporated herein as if set forth in full.

15 6. From at least as early as January 1, 2010, to on or about December 31, 2017,
16 defendant Atkinson devised and intended to devise a scheme and artifice to defraud and for
17 obtaining money and property by means of materially false and fraudulent pretenses,
18 representations, and promises, and material omissions. The objective of scheme and artifice
19 was for defendant Atkinson to falsely and fraudulently induce donors to contribute to his
20 campaign by claiming that he would use the donations for legitimate campaign purposes,
21 knowing that he would instead use donations for his personal use. Defendant Atkinson
22 knew it was a violation of state law to use campaign contributions for personal use and not
23 for legitimate campaign purposes. *See Nevada Revised Statute 294A.160.1.*
24

Defendant Atkinson used campaign contributions for his personal use and not for legitimate campaign purposes.

7. It was part of the scheme and artifice that defendant Atkinson committed the acts set forth below.

8. Between January 1, 2010, and December 31, 2017, defendant Atkinson deposited \$1,206,166.72 into his campaign bank account ("Campaign Account"). During that period, he reported on his C&E Reports that he had received \$1,113,066.96 in contributions. During that same period, he commingled funds in his Campaign Account, knowing state law prohibited commingling. The commingling likely included \$80,234.09 in personal funds, the difference between his deposits and reported contributions.

9. During the same period, defendant Atkinson withdrew \$1,218,212.38 from his Campaign Account while reporting only \$764,268.03 in campaign expenses. The difference between the withdrawals and reported expenses is \$453,944.35. Defendant Atkinson did not report this amount as campaign expenses.

10. Defendant Atkinson used at least \$249,900 of the unreported withdrawals on personal expenses and not for legitimate campaign purposes. Of those funds, defendant Atkinson used at least \$100,000 to make personal credit card payments, at least \$75,000 to open and operate a Las Vegas night club, at least \$20,000 to lease a 2018 Jaguar automobile, and around \$8,600 to repay a personal loan, among other illegal purposes.

Defendant Atkinson misrepresented to campaign donors that he would use their donations for lawful purposes.

11. Defendant Atkinson made materially false and fraudulent representations and omissions to potential campaign donors that caused them to donate to his campaigns.

1 Through his false representations and omissions, defendant Atkinson misled donors to
2 believe he would use their contributions for lawful campaign purposes, when he knew he
3 would use some contributions for his personal expenses and not for legitimate campaign
4 purposes. Defendant Atkinson's C&E Reports reflect that from January 1, 2010, to
5 December 31, 2017, he received 848 contributions from individuals and businesses.
6 Defendant Atkinson knew that donors would not have contributed to his campaigns had
7 they known he intended to use – and was using – donations for unlawful purposes.

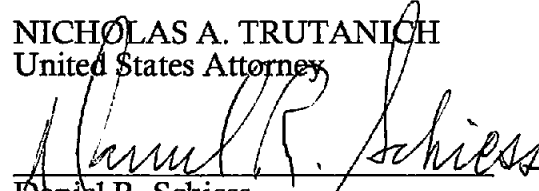
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9 **Defendant Atkinson used interstate wire communications for purpose of
executing his scheme.**

10 12. On or about September 18, 2017, in the State and District of Nevada, for
11 purpose of executing the scheme and artifice, defendant Atkinson transmitted and cause to
12 be transmitted by means of wire communication in interstate commerce, writings, signs,
13 signals, and sounds, that is, defendant Atkinson made a payment from campaign funds to
14 American Express using American Express's electronic bill pay system, a wire
15 communication that originated in Nevada and terminated in Arizona, to pay part of the
16 charges he incurred leasing the 2018 Jaguar automobile.

17 All in violation of Title 18, United States Code, Section 1343.

18 DATED this 1st day of March, 2019.

19
20 NICHOLAS A. TRUTANICH
United States Attorney

21 
22 Daniel R. Schiess
Assistant United States Attorney
23
24